

CUSTAPP

**United States District Court  
District of Massachusetts (Boston)  
CRIMINAL DOCKET FOR CASE #: 1:04-cr-10135-GAO-1**

Case title: USA v. Scola et al  
Magistrate judge case number: 1:04-mj-00812-MBB

Date Filed: 04/29/2004

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Assigned to: Judge George A. O'Toole, Jr

**Defendant**

**Thomas Scola (1)**  
*TERMINATED: 11/22/2006*

represented by **Janice Bassil**  
Carney & Bassil  
20 Park Plaza, Suite 800  
Boston, MA 02116  
617-338-5566  
Fax: 617-338-5587  
Email: JBassil@CarneyBassil.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: CJA Appointment*

**Pending Counts**

21:846 Conspiracy to Possess with Intent  
to Distribute, and to Distribute Heroin  
(1)

**Disposition**

120 months on each of counts 1-14, to run concurrently with each other. The court makes a Judicial Recommendation that the defendant participate in the 500 Hour Comprehensive Drug Treatment Program. Defendant is remanded to United States Marshal. 6 years supervised release on each of counts 1-14, to run concurrently with each other. Defendant shall not possess a firearm; defendant shall cooperate in collection of DNA; The defendant is to participate in a program for substance abuse as directed by the United States Probation Office, which program may include testing, not to exceed 104 drug tests per year, to determine whether the defendant has reverted to the use of alcohol or drugs. The defendant shall be required to contribute to the costs of services for such treatment based on the ability to pay or availability of third party payment; The defendant is to participate in

21:841(a)(1) Possession with Intent to  
Distribute, and Distribution of Heroin  
(2)

a mental health treatment program as directed by the United States Probation Office. The defendant shall be required to contribute to the costs of services for such treatment based on the ability to pay or availability of third party payment. Defendant is assessed \$1,400.00. The fine is waived because of inability to pay.

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21:841(a)(1) Possession with Intent to  
Distribute, and Distribution of Heroin;  
18 :2 Aiding and Abetting  
(3)

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21:841(a)(1) Possession with Intent to  
Distribute, and Distribution of Heroin;  
18:2 Aiding and Abetting  
(4-14)

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

None

**Highest Offense Level (Terminated)**

None

**Complaints**

21:846...Defendants did knowingly and intentionally combine, conspire, confederate, and agree with each other to distribute heroin, a schedule I controlled substance

**Disposition**

**Disposition**

120 months on each of counts 1-14, to run concurrently with each other. The court makes a Judicial Recommendation that the defendant participate in the 500 Hour Comprehensive Drug Treatment Program. Defendant is remanded to United States Marshal. 6 years supervised release on each of counts 1-14, to run concurrently with each other. Defendant shall not possess a firearm; defendant shall cooperate in collection of DNA; The defendant is to participate in a program for substance abuse as directed by the United States Probation Office, which program may include testing, not to exceed 104 drug tests per year, to determine whether the defendant has reverted to the use of alcohol or drugs. The defendant shall be required to contribute to the costs of services for such treatment based on the ability to pay or availability of third party payment; The defendant is to participate in a mental health treatment program as directed by the United States Probation Office. The defendant shall be required to contribute to the costs of services for such treatment based on the ability to pay or availability of third party payment. Defendant is assessed \$1,400.00. The fine is waived because of inability to pay.

**Plaintiff**

USA

represented by **David G. Tobin**  
United States Attorneys Office  
1 Courthouse Way



Suite 9200  
 Boston, MA 02210  
 617-748-3392  
 Fax: 617-748-3965  
 Email: David.Tobin@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
04/07/2004	<a href="#">1</a>	SEALED COMPLAINT as to Thomas Scola (1), Federico Nivar (2). (Smith3, Dianne) Additional attachment(s) added on 4/9/2004 (Smith3, Dianne). Additional attachment(s) added on 4/9/2004 (Smith3, Dianne).[1:04-mj-00812-MBB] (Entered: 04/09/2004)
04/07/2004	<a href="#">2</a>	AFFIDAVIT of Steven C. Story by Thomas Scola, Federico Nivar 1 Complaint (Sealed) (Smith3, Dianne)[1:04-mj-00812-MBB] (Entered: 04/09/2004)
04/07/2004	<a href="#">4</a>	Arrest Warrant Issued as to Thomas Scola. (Smith3, Dianne) Additional attachment(s) added on 4/9/2004 (Smith3, Dianne).[1:04-mj-00812-MBB] (Entered: 04/09/2004)
04/07/2004	<a href="#">3</a>	MOTION to Seal Case as to Thomas Scola, Federico Nivar by USA. (Smith3, Dianne) Additional attachment(s) added on 4/9/2004 (Smith3, Dianne).[1:04-mj-00812-MBB] (Entered: 04/09/2004)
04/07/2004	<a href="#">5</a>	Judge Marianne B. Bowler : Endorsement on motion ORDER entered granting 3 Motion to Seal Case as to Thomas Scola (1), Federico Nivar (2) (Smith3, Dianne)[1:04-mj-00812-MBB] (Entered: 04/09/2004)
04/08/2004	<a href="#">7</a>	Clerk's Notes for proceedings held before Judge Marianne B. Bowler :Initial Appearance as to Thomas Scola, Federico Nivar held on 4/8/2004 (Tape #digital.) (Saccoccio, Dianalynn)[1:04-mj-00812-MBB] (Entered: 04/12/2004)
04/08/2004	<a href="#">13</a>	Arrest Warrant Returned Executed on 4/8/04. as to Thomas Scola. (Saccoccio, Dianalynn)[1:04-mj-00812-MBB] (Entered: 04/15/2004)
04/09/2004	<a href="#">11</a>	Judge Marianne B. Bowler : ORDER entered CJA 20 as to Thomas Scola : Appointment of Attorney Janice Bassil for Thomas Scola. (Saccoccio, Dianalynn)[1:04-mj-00812-MBB] (Entered: 04/12/2004)
04/12/2004	<a href="#">6</a>	MOTION to Unseal Case as to Thomas Scola, Federico Nivar by USA. (Smith3, Dianne)[1:04-mj-00812-MBB] (Entered: 04/12/2004)
04/12/2004	<a href="#">8</a>	Judge Marianne B. Bowler : Endorsement on motion ORDER entered granting [6] Motion to Unseal Case as to Thomas Scola (1), Federico Nivar (2) (Smith3, Dianne)[1:04-mj-00812-MBB] (Entered: 04/12/2004)
04/12/2004	<a href="#">10</a>	CJA 23 Financial Affidavit by Thomas Scola (Saccoccio, Dianalynn)[1:04-mj-00812-MBB] (Entered: 04/12/2004)
04/12/2004	<a href="#">9</a>	electronic Clerk's Notes for proceedings held before Judge Marianne B. Bowler : Detention HearingPreliminary Examination as to Thomas Scola, Federico Nivar

		held on 4/12/2004; Michael Pelgro and David Tobin for the Govt.; Janice Bassil and Mirai[1:04m Conrad for the Defts.; Govt. calls one witness and offers one exhibit; Witness cross-examined by defense counsel for both defts.; Govt. moves that the court find probable cause and detain the defts. pending trial; Defense counsel for both defts. do[1:04es not argue issue of probable cause and consents to voluntary detention without prejudice; The Court to issue Order of Voluntary Detention forthwith; Court finds probable cause as to both defts.; Defts. remanded to the custody of the U.S. Marshals. [1:04(Tape #digital.) (Saccoccio, Dianalynn)[1:04-mj-00812-MBB] (Entered: 04/13/2004)
04/12/2004	16	EXHIBIT/WITNESS LIST by USA as to Thomas Scola, Federico Nivar (Saccoccio, Dianalynn)[1:04-mj-00812-MBB] (Entered: 04/27/2004)
04/13/2004	12	Judge Marianne B. Bowler : ORDER entered ORDER OF VOLUNTARY DETENTION as to Thomas Scola, Federico Nivar (Saccoccio, Dianalynn)[1:04-mj-00812-MBB] (Entered: 04/13/2004)
04/14/2004	15	Ex Parte SEALED MOTION as to Thomas Scola . (Folan, Karen)[1:04-mj-00812-MBB] (Entered: 04/20/2004)
04/23/2004		*SEALED* Judge George A. O'Toole Jr.: Endorsement on motion ORDER entered granting [15 Sealed Motion as to Thomas Scola (1) (Smith3, Dianne) [1:04-mj-00812-MBB] (Entered: 04/27/2004)
04/29/2004	17	INDICTMENT as to Thomas Scola (1) count(s) 1, 2, 3, 4-14, Federico Nivar (2) count(s) 1, 3, 4-14, 15-16, Jill E. Doucette (3) count(s) 1, 7, 12-14. (Gawlik, Cathy) (Entered: 04/30/2004)
04/30/2004		Judge George A. O'Toole Jr.: ORDER entered ORDER REFERRING CASE to Magistrate Judge Marianne B. Bowler Reason for referral: pretrial proceedings as to Thomas Scola, Federico Nivar, Jill E. Doucette (Gawlik, Cathy) Modified on 5/4/2004 (Barrette, Mark).cc/cl (Entered: 04/30/2004)
05/03/2004	18	NOTICE OF HEARING as to Thomas Scola, Federico Nivar, Jill E. Doucette Arraignment set for 5/10/2004 02:45 PM in Courtroom 25 before Magistrate Judge Marianne B. Bowler. (Saccoccio, Dianalynn) (Entered: 05/03/2004)
05/04/2004		Set/Reset Deadlines/Hearings as to Thomas Scola, Federico Nivar, Jill E. Doucette : Arraignment reset for 5/10/2004 02:15 PM in Courtroom 25 before Magistrate Judge Marianne B. Bowler. (Saccoccio, Dianalynn) (Entered: 05/04/2004)
05/05/2004	19	NOTICE OF ATTORNEY APPEARANCE, by Michael J. Pelgro, Esq. (Barrette, Mark) (Entered: 05/12/2004)
05/13/2004		Electronic Clerk's Notes for proceedings held before Judge Marianne B. Bowler :Arraignment as to Thomas Scola (1) Counts 1,2,3,4-14 and Federico Nivar (2) Counts1,3,4-14,15-16 held on 5/13/2004; Michael Pelgro for the govt.; Janice Bassil and Miriam Conrad for the defts.; Defts. waive the reading of the indictment in its entirety and both defts. plead not guilty to all counts; Govt. anticipates 10 to 15 witnesses and the trial to last 7 days; court also schedules the arraignment of Jill Doucette to take place on May 27, 2004 at 2:15 PM; Initial status conference set for June 28, 2004 at 2:30 PM (Tape #Digital.) (Saccoccio,

		Dianalynn) (Entered: 05/13/2004)
06/28/2004	20	Electronic Clerk's Notes for proceedings held before Judge Marianne B. Bowler: Status Conference as to Thomas Scola, Federico Nivar, Jill E. Doucette held on 6/28/2004. David Tobin is present for the gov't and Janice Bassil, Miriam Conrad and Leslie Feldman-Rumpler are present for the defense. Ms. Bassil states that the gov't has given her a list of tapes that she can have copied. She states that her client is indigent and she does not see it fit to use CJA funds to copy the tapes. She requests that the gov't make one copy available for the defense and she will share them with other counsel. Mr. Tobin agrees to furnish the defense with a copy and Ms. Bassil will get them first. The court sets a further status conference on Thursday, Oct. 8th at 2:00 PM. The gov't will file an assented to motion to exclude the time until the Oct. 8th status conference. (Digital Recording) (Affsa, Gina) (Entered: 06/28/2004)
06/28/2004	20	SEALED MOTION as to Thomas Scola . (Barrette, Mark) (Entered: 07/06/2004)
06/28/2004	21	SEALED AFFIDAVIT by Thomas Scola 20 SEALED MOTION filed by Thomas Scola (Barrette, Mark) (Entered: 07/06/2004)
09/22/2004	24	SEALED MOTION as to Thomas Scola . (Lyness, Paul) (Entered: 11/15/2004)
10/08/2004		Electronic Clerk's Notes for proceedings held before Judge Marianne B. Bowler: Further status conference as to Thomas Scola, Federico Nivar and Jill E. Doucette held on 10/8/2004; David Tobin for the gov't.; Janice Bassil, Miriam Conrad and Leslie Feldman-Rumpler for the defts.; Govt. informs the court of the status of the case; Counsel for the defts. request additional time; Govt. is amenable; Final status set for December 9, 2004 at 2:30 PM; Parties agree to exclude the time from today to December 9, 2004 and the gov't. will file an assented to motion to exclude the time. (Tape #Digital.) (Saccoccio, Dianalynn) (Entered: 10/08/2004)
10/12/2004	23	Assented to MOTION to Exclude <i>Time</i> as to Thomas Scola, Federico Nivar, Jill E. Doucette by USA. (Tobin, David) (Entered: 10/12/2004)
10/13/2004		Judge Marianne B. Bowler: Electronic ORDER entered granting 23 Motion to Exclude as to Thomas Scola(1), Federico Nivar(2) and Jill E. Doucette(3). (Bowler, Marianne) (Entered: 10/13/2004)
11/15/2004		Notice of correction to docket made by Court staff. Correction: Document # 24 corrected because: Caption should be deleted as to Thomas Scola (Lyness, Paul) (Entered: 11/15/2004)
11/15/2004		Judge George A. O'Toole Jr.: Electronic ORDER entered denying without prejudice [20 Sealed Motion as to Thomas Scola (1); denying without prejudice 24 Motion as to Thomas Scola (1) (Lyness, Paul) (Entered: 11/15/2004)
12/02/2004	27	MOTION for Discovery <i>Concerning Weight of Drugs</i> as to Thomas Scola. (D'Angelo, Andrew) (Entered: 12/02/2004)
12/09/2004		Judge Marianne B. Bowler: Electronic ORDER entered granting 27 Motion for Discovery as to Thomas Scola (1); granting [28] Motion as to Jill E. Doucette (3), there being no opposition as stated by the government on the record in open



		court. (Bowler, Marianne) (Entered: 12/09/2004)
12/09/2004	28	Electronic Clerk's Notes for proceedings held before Magistrate Judge Marianne B. Bowler: Further status conference for Thomas Scola, Federico Nivar and Jill E. Doucette held on 12/9/2004; David Tobin for the govt.; Janice Bassil, Miriam Conrad and Leslie Feldman-Rumpler for the depts.; Parties address the status of the case; Govt. does not oppose motion filed by counsel for deft. Scola (Motion for Discovery Concerning Weight of Drugs) or motion filed by counsel for deft. Doucette ( Docket Entry # 28; Motion to Join Motion for Discovery Concerning Weight of Drugs); The court will allow the motions; Counsel for deft. Nivar moves to be included as joining in the motion for discovery and the request is allowed; Parties request a date for dispositive motions to be filed; Deadline for dispositive motions is 1/20/2005; Final status is set for 1/25/2005 at 2:30 PM; Parties agree to exclude the time from today to 1/25/2005 and the govt. will file an assented to motion. (Tape #Digital.) (Saccoccio, Dianalynn) (Entered: 12/09/2004)
12/09/2004	29	Assented to MOTION to Exclude <i>Time</i> as to Thomas Scola, Federico Nivar, Jill E. Doucette by USA. (Tobin, David) (Entered: 12/09/2004)
12/10/2004		Judge Marianne B. Bowler: Electronic ORDER entered granting 29 Motion to Exclude as to Thomas Scola(1), Federico Nivar(2) and Jill E. Doucette(3). (Bowler, Marianne) (Entered: 12/10/2004)
01/25/2005		Electronic Clerk's Notes for proceedings held before Magistrate Judge Marianne B. Bowler :Further Status Conference as to Thomas Scola, Federico Nivar, Jill E. Doucette held on 1/25/2005; Atty Tobin for the govt; Atty Bassil for deft Scola; Atty Conrad for deft Nivar; Atty Rumpler for deft Doucette; Atty Rumpler files motion to suppress in open court; Atty Conrad requests a few more weeks; Govt assents to any motion for additional time; Motions to suppress due by 2/15/2005; final status conference set subject to excludable time from today 1/25/05 - 3/10/05;. Final Status Conference set for 3/10/2005 10:15 AM in Courtroom 25 before Magistrate Judge Marianne B. Bowler. (Court Reporter Digital.) (Simeone, Maria) (Entered: 01/25/2005)
01/25/2005	30	Assented to MOTION to Exclude <i>Time</i> as to Thomas Scola, Federico Nivar, Jill E. Doucetteby USA. (Tobin, David) (Entered: 01/25/2005)
01/25/2005	31	MOTION to Suppress statements of defendant as to Jill E. Doucetteby Jill E. Doucette. (Simeone, Maria) (Entered: 01/26/2005)
01/26/2005		Judge Marianne B. Bowler: Electronic ORDER entered granting 30 Motion to Exclude as to Thomas Scola(1), Federico Nivar(2) and Jill E. Doucette(3). (Bowler, Marianne) (Entered: 01/26/2005)
03/07/2005	37	MOTION for Discovery <i>Concerning Chemist's Notes</i> as to Thomas Scola. (Attachments: # 1 # 2 )(D'Angelo, Andrew) Modified on 3/8/2005 to delete attachment #3 from entry. Entry #3 is a duplicate of the motion attached to this entry. (Edge, Eugenia). (Entered: 03/07/2005)
03/10/2005	38	Assented to MOTION to Exclude <i>Time</i> as to Thomas Scola, Federico Nivar, Jill E. Doucetteby USA. (Tobin, David) (Entered: 03/10/2005)



03/10/2005		Electronic clerk's notes for proceedings held before Magistrate Judge Marianne B. Bowler: Further status conference for Thomas Scola, Federico Nivar and Jill E. Doucette held on 3/10/2005; David Tobin for the govt.; Janice Bassil, also standing in for Leslie Feldman-Rumpler and Miriam Conrad for the defts.; The court sets a hearing date for docket entry # 37; Motion hearing is set for 3/24/2005 at 2:45 PM; Parties agree to exclude the time from today to 3/24/2005 and the govt. will file an assented to motion to exclude the time. (Tape #Digital.) (Saccoccio, Dianalynn) (Entered: 03/11/2005)
03/11/2005	38	Judge Marianne B. Bowler: Electronic ORDER entered granting 38 Motion to Exclude as to Thomas Scola(1), Federico Nivar(2), and Jill E. Doucette(3). (Bowler, Marianne) (Entered: 03/11/2005)
03/24/2005	37	Electronic clerk's notes for proceedings held before Magistrate Judge Marianne B. Bowler: Motion hearing for Thomas Scola on 37 Motion for Discovery <i>Concerning Chemist's Notes</i> filed by Thomas Scola and further status conference for Thomas Scola, Federico Nivar and Jill E. Doucette held on 3/24/2005; David Tobin for govt. and Janice Bassil also covering for Miriam Conrad and Leslie Feldman-Rumpler for the defts.; Govt. has no opposition to the motion and the court will allow it; Counsel for the defts. request an additional two weeks for a further status conference and the govt. is amenable to the request; A further status conference is set for 4/8/2005 at 10:30 AM; Parties agree to exclude the time from today to 4/8/2005 and the govt. will file an assented to motion to exclude the time. (Tape #Digital.) (Saccoccio, Dianalynn) (Entered: 03/24/2005)
03/24/2005	37	Judge Marianne B. Bowler: Electronic ORDER entered granting 37 Motion for Discovery as to Thomas Scola(1). (Bowler, Marianne) (Entered: 03/24/2005)
03/24/2005	40	MOTION for Excludable Delay from 03/24/05 to 04/08/05 as to Thomas Scola, Federico Nivar, Jill E. Doucetteby USA. (Tobin, David) Additional attachment (s) added on 3/28/2005 (Edge, Eugenia). (Entered: 03/24/2005)
03/25/2005	40	Judge Marianne B. Bowler: Electronic ORDER entered granting 40 Motion to Exclude as to Thomas Scola(1), Federico Nivar(2) and Jill E. Doucette(3). (Bowler, Marianne) (Entered: 03/25/2005)
04/08/2005	41	Electronic clerk's notes for proceedings held before Magistrate Judge Marianne B. Bowler: Further status conference for Thomas Scola, Federico Nivar and Jill E. Doucette held on 4/8/2005; David Tobin for the govt., Janice Bassil for deft. Scola and Miriam Conrad for deft. Nivar and covering for Leslie Feldman-Rumpler for deft. Doucette; Counsel for defts. Nivar and Doucette request that their cases are sent to the district judge to schedule a hearing on their motions to suppress and counsel for deft. Scola requests that deft. Scola's case is returned to schedule a status conference with the district judge; The court will issue a final status report forthwith. (Tape #Digital.) (Saccoccio, Dianalynn) (Entered: 04/08/2005)
04/08/2005	41	Magistrate Judge Marianne B. Bowler: ORDER entered; REPORT AND ORDER on Final Status Conference for Thomas Scola, Federico Nivar and Jill E. Doucette (Saccoccio, Dianalynn) (Entered: 04/08/2005)
04/08/2005		Judge update in the case of Thomas Scola, Federico Nivar and Jill E. Doucette; Magistrate Judge Marianne B. Bowler no longer assigned to the case.

		(Saccoccio, Dianalynn) (Entered: 04/08/2005)
04/12/2005	●	NOTICE OF HEARING as to Thomas Scola, Federico Nivar, Jill E. Doucette Pretrial Conference set for 4/26/2005 02:00 PM in Courtroom 9 before Judge George A. O'Toole Jr.. Please mark your calendars accordingly. (Lyness, Paul) (Entered: 04/12/2005)
04/26/2005	●	Electronic Clerk's Notes for proceedings held before Judge George A. O'Toole Jr.:Pretrial Conference as to Thomas Scola, Federico Nivar, Jill E. Doucette held on 4/26/2005 A motion hearing is set for 5/6/2005 09:00 AM in Courtroom 9 before Judge George A. O'Toole Jr.. (Court Reporter Shelly Killian.) (Lyness, Paul) (Entered: 04/26/2005)
05/06/2005	●	Electronic Clerk's Notes for proceedings held before Judge George A. O'Toole Jr.:Motion Hearing as to Thomas Scola, Jill E. Doucette held on 5/6/2005 re <u>31</u> MOTION to Suppress filed by Jill E. Doucette. Attorney Tobin for Government. Attorney Feldman-Rumpler for Defendant Doucette, Attorney Bassil for Defendant Scola. Ex Parte motion re: Thomas Scola is Granted in Open Court. Attorney Feldman-Rumpler requests continuance of hearing. Request is denied in Open Court. Govt calls one witness. Witness is sworn in to the court. Defense cross examines witness, Government rests. Attorney Feldman-Rumpler requests production of witness's notes. Hearing is to be continued to May 19, 2005 at 2:00 PM in Courtroom 9 before Judge George A. O'Toole, Jr. (Court Reporter Shelly Killian.) (Abaid, Kim) Modified on 5/13/2005 to make corrections to docket entry (Edge, Eugenia). (Entered: 05/06/2005)
05/06/2005	●	Judge George A. O'Toole Jr.: Electronic ORDER entered <u>43</u> EX PARTE Motion, allowed in open court granting. as to Thomas Scola, re Motion Hearing. (Edge, Eugenia) (Entered: 05/12/2005)
06/06/2005	● <u>47</u>	MOTION to Inspect <i>and Reweigh Drugs</i> as to Thomas Scola. (Bassil, Janice) (Entered: 06/06/2005)
06/24/2005	● <u>49</u>	Opposition by USA as to Thomas Scola re <u>47</u> MOTION to Inspect <i>and Reweigh Drugs</i> (Tobin, David) (Entered: 06/24/2005)
07/05/2005	●	NOTICE OF HEARING as to Thomas Scola, Federico Nivar, Jill E. Doucette Pretrial Conference set for 8/1/2005 02:00 PM in Courtroom 9 before Judge George A. O'Toole Jr.. Please mark your calendars accordingly. (Lyness, Paul) (Entered: 07/05/2005)
07/13/2005	●	NOTICE OF HEARING as to Thomas Scola, Federico Nivar, Jill E. Doucette Pretrial Conference set for 8/1/2005 02:00 PM in Courtroom 9 before Judge George A. O'Toole Jr.. Please mark your calendars accordingly.(Lyness, Paul) (Entered: 07/13/2005)
07/27/2005	●	Judge George A. O'Toole Jr.: Electronic ORDER entered granting <u>47</u> Motion to Reweigh Drugs as to Thomas Scola (1) (O'Toole, George) (Entered: 07/27/2005)
08/01/2005	●	Electronic Clerk's Notes for proceedings held before Judge George A. O'Toole Jr.:Pretrial Conference as to Thomas Scola, Federico Nivar, Jill E. Doucette held on 8/1/2005 Status Conference set for 9/15/2005 02:30 PM in Courtroom 9 before Judge George A. O'Toole Jr.. All time between 8/1/05 and 9/15/05 is



		excluded in the interest of justice.(Court Reporter Shelly Killian.) (Lyness, Paul) (Entered: 08/01/2005)
08/19/2005	<u>53</u>	TRANSCRIPT of Motions Hearing as to Thomas Scola, Jill E. Doucette held on May 6, 2005 before Judge O'Toole. Court Reporter: Shelly M. Killian. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at 617/737-7117 or the Clerk's Office. (Scalfani, Deborah) (Entered: 08/22/2005)
09/01/2005		REMARK as to Thomas Scola, Federico Nivar, Jill E. Doucette: The status conference scheduled for Thursday, September 15, 2005 at 2:30 pm will be held in Courtroom 17 and not in Courtroom 9. Please make the change in your calendars. (Lyness, Paul) (Entered: 09/01/2005)
09/14/2005	<u>54</u>	First MOTION to Sever <i>for Trial</i> as to Thomas Scola, Federico Nivar, Jill E. Doucette by Jill E. Doucette. (Feldman-Rumpler, Leslie) Modified on 1/24/2006 (Lyness, Paul). (Entered: 09/14/2005)
09/15/2005		Electronic Clerk's Notes for proceedings held before Judge George A. O'Toole Jr.:Status Conference as to Thomas Scola, Federico Nivar, Jill E. Doucette held on 9/15/2005 Status Conference set for 10/27/2005 04:00 PM in Courtroom 9 before Judge George A. O'Toole Jr.. All time between 9/15/05 and 10/27/05 is excluded in the interest of justice.(Court Reporter Shelly Killian.) (Lyness, Paul) (Entered: 09/16/2005)
10/27/2005		ElectronicClerk's Notes for proceedings held before Judge George A. O'Toole Jr.:Status Conference as to Thomas Scola, Federico Nivar, Jill E. Doucette held on 10/27/2005 Change of Plea Hearing as to Jill Doucette set for 11/15/2005 02:30 PM in Courtroom 9 before Judge George A. O'Toole Jr.. Status Conference for Thomas Scola and Federico Nivar set for 12/14/2005 02:00 PM in Courtroom 9 before Judge George A. O'Toole Jr.. All time is to be excluded. (Court Reporter James Gibbons.) (Lyness, Paul) (Entered: 10/27/2005)
10/27/2005		NOTICE OF HEARING as to Thomas Scola, Federico Nivar Status Conference set for 12/14/2005 02:00 PM in Courtroom 9 before Judge George A. O'Toole Jr.. Please mark your calendars accordingly.(Lyness, Paul) (Entered: 10/27/2005)
10/28/2005	<u>56</u>	Proposed Order filed as a Motion <i>To Weigh Drugs</i> as to Thomas Scola. (Bassil, Janice) Modified on 10/28/2005 to correct text (Edge, Eugenia). (Entered: 10/28/2005)
10/31/2005	<u>57</u>	Judge George A. O'Toole Jr.: ORDER entered. as to Thomas Scola re <u>56</u> MOTION for Order <i>To Weigh Drugs</i> filed by Thomas Scola, (Lyness, Paul) (Entered: 11/02/2005)
11/04/2005		Judge George A. O'Toole Jr.: ElectronicORDER entered granting Nunc Pro Tunc <u>56</u> Motion for Order as to Thomas Scola (1) (Lyness, Paul) (Entered: 11/04/2005)
12/14/2005		ElectronicClerk's Notes for proceedings held before Judge George A. O'Toole Jr.:Status Conference as to Thomas Scola, Federico Nivar held on 12/14/2005 Status Conference set for 1/26/2006 02:00 PM in Courtroom 9 before Judge



		George A. O'Toole Jr.. All time is excluded between now and 1/26/06 in the interest of justice.(Court Reporter Shelly Killian.) (Lyness, Paul) (Entered: 12/14/2005)
12/21/2005	60	Letter (non-motion) regarding Docket Sheet as to Thomas Scola. Defendant mailed a copy of his docket. (Edge, Eugenia) (Entered: 12/22/2005)
01/26/2006		ElectronicClerk's Notes for proceedings held before Judge George A. O'Toole Jr.:Status Conference as to Thomas Scola, Federico Nivar held on 1/26/2006 One week Jury Trial set for 5/22/2006 09:00 AM in Courtroom 9 before Judge George A. O'Toole Jr.. Final Pretrial Conference set for 5/11/2006 02:00 PM in Courtroom 9 before Judge George A. O'Toole Jr.. ==> Possible Rule 11 Hearing scheduled 2/21/06 @ 2:00pm. Interpreter will be needed for defendant Nivar. (Court Reporter Shelly Killian.) (Edge, Eugenia) (Entered: 01/26/2006)
03/29/2006	65	** This document contatin an error. AUSA re-filed document. The corrected document is entry #66. ** INFORMATION TO ESTABLISH PRIOR CONVICTION as to Thomas Scola (Attachments: # (1))(Tobin, David) Modified on 3/31/2006 (Edge, Eugenia). (Entered: 03/29/2006)
03/29/2006	66	INFORMATION TO ESTABLISH PRIOR CONVICTION as to Thomas Scola (Attachments: # 1)(Tobin, David) Modified on 3/31/2006 (Edge, Eugenia). (Entered: 03/29/2006)
04/28/2006	67	Assented to MOTION to Continue <i>Trial</i> as to Thomas Scola, Federico Nivar, Jill E. Doucetteby USA. (Tobin, David) (Entered: 04/28/2006)
05/03/2006		Judge George A. O'Toole Jr.: Electronic ORDER entered denying 67 Motion to Continue as to Thomas Scola (1), Federico Nivar (2)If AUSA Tobin is unavailable for trial, the court expects another AUSA to try the case on the scheduled date and time. (Lyness, Paul) (Entered: 05/03/2006)
05/11/2006		ElectronicClerk's Notes for proceedings held before Judge George A. O'Toole Jr.:Final Pretrial Conference as to Thomas Scola held on 5/11/2006. Counsel present: AUSA Tobin for gov't, Atty. Bassil for defendant. Change of Plea Hearing set for 5/17/2006 02:15 PM in Courtroom 9 before Judge George A. O'Toole Jr.. (Court Reporter Shelly Killian.) (Edge, Eugenia) (Entered: 05/11/2006)
05/17/2006		Terminate Deadlines and Hearings as to Thomas Scola, Federico Nivar, Jill E. Doucette: (Lyness, Paul) (Entered: 05/17/2006)
05/17/2006		ElectronicClerk's Notes for proceedings held before Judge George A. O'Toole Jr.:Change of Plea Hearing as to Thomas Scola held on 5/17/2006, Plea entered by Thomas Scola (1) Guilty Count 1,2,3,4-14. PSR Ordered. Defendant continued Remanded. (Court Reporter Shelly Killian.) (Lyness, Paul) (Entered: 05/18/2006)
05/17/2006	69	Judge George A. O'Toole Jr.: ORDER entered. PROCEDURAL ORDER re sentencing hearing as to Thomas Scola Sentencing set for 9/13/2006 02:15 PM in Courtroom 9 before Judge George A. O'Toole Jr.. (Lyness, Paul) (Entered: 05/18/2006)
08/31/2006	71	EX PARTE MOTION as to Thomas Scola. (Edge, Eugenia) (Entered: 08/31/2006)

		09/01/2006)
09/01/2006	73	MOTION to Continue as to Thomas Scola. (Bassil, Janice) (Entered: 09/01/2006)
09/01/2006	74	Response as to Thomas Scola: <u>66</u> Information to Establish Prior Conviction filed by USA,. (Bassil, Janice) (Entered: 09/01/2006)
09/06/2006	75	MOTION for Hearing <i>for Motion for Jury Trial</i> as to Thomas Scola. (Bassil, Janice) (Entered: 09/06/2006)
09/06/2006	76	SENTENCING MEMORANDUM by Thomas Scola (Bassil, Janice) (Entered: 09/06/2006)
09/07/2006	77	TRANSCRIPT of Change of Plea as to Thomas Scola held on May 17, 2005 before Judge O'Toole. Court Reporter: Shelly M. Killian. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at 617/737-7117 or the Clerk's Office. (Scalfani, Deborah) (Entered: 09/07/2006)
09/08/2006		Judge George A. O'Toole Jr.: Electronic ORDER entered granting <u>71</u> Sealed Motion as to Thomas Scola (1); granting <u>73</u> Motion to Continue as to Thomas Scola (1) Sentencing set for 10/12/2006 02:15 PM in Courtroom 9 before Judge George A. O'Toole Jr.. Please mark your calendars accordingly (Lyness, Paul) (Entered: 09/08/2006)
10/03/2006	79	MOTION to Continue <i>Date for Sentencing</i> as to Thomas Scola. (Bassil, Janice) (Entered: 10/03/2006)
10/04/2006	80	SENTENCING MEMORANDUM by USA as to Thomas Scola (Tobin, David) (Entered: 10/04/2006)
10/06/2006	81	Amended MOTION to Continue as to Thomas Scola. (Bassil, Janice) Modified on 10/10/2006 (Edge, Eugenia). (Entered: 10/06/2006)
10/10/2006		Judge George A. O'Toole Jr.: Electronic ORDER entered granting Nunc Pro Tunc <u>79</u> Motion to Continue as to Thomas Scola (1); granting <u>81</u> Motion to Continue as to Thomas Scola (1) Sentencing set for 11/15/2006 02:30 PM in Courtroom 9 before Judge George A. O'Toole Jr.. NO FURTHER CONTINUANCES WILL BE GRANTED. NO EXCEPTIONS. (Lyness, Paul) (Entered: 10/10/2006)
11/15/2006		ElectronicClerk's Notes for proceedings held before Judge George A. O'Toole Jr.:Sentencing held on 11/15/2006 for Thomas Scola (1), 1, 2, 3, 4-14, 120 months on each of counts 1-14, to run concurrently with each other. The court makes a Judicial Recommendation that the defendant participate in the 500 Hour Comprehensive Drug Treatment Program. Defendant is remanded to United States Marshal. 6 years supervised release on each of counts 1-14, to run concurrently with each other. Defendant shall not possess a firearm; defendant shall cooperate in collection of DNA; The defendant is to participate in a program for substance abuse as directed by the United States Probation Office, which program may include testing, not to exceed 104 drug tests per year, to determine whether the defendant has reverted to the use of alcohol or drugs. The defendant shall be required to contribute to the costs of services for such

		treatment based on the ability to pay or availability of third party payment; The defendant is to participate in a mental health treatment program as directed by the United States Probation Office. The defendant shall be required to contribute to the costs of services for such treatment based on the ability to pay or availability of third party payment. Defendant is assessed \$1,400.00. The fine is waived because of inability to pay.. (Court Reporter Shelly Killian.) (Lyness, Paul) (Entered: 11/22/2006)
11/22/2006	82	Judge George A. O'Toole Jr.: ORDER entered. JUDGMENT as to Thomas Scola (1), 120 months on each of counts 1-14, to run concurrently with each other. The court makes a Judicial Recommendation that the defendant participate in the 500 Hour Comprehensive Drug Treatment Program. Defendant is remanded to United States Marshal. 6 years supervised release on each of counts 1-14, to run concurrently with each other. Defendant shall not possess a firearm; defendant shall cooperate in collection of DNA; The defendant is to participate in a program for substance abuse as directed by the United States Probation Office, which program may include testing, not to exceed 104 drug tests per year, to determine whether the defendant has reverted to the use of alcohol or drugs. The defendant shall be required to contribute to the costs of services for such treatment based on the ability to pay or availability of third party payment; The defendant is to participate in a mental health treatment program as directed by the United States Probation Office. The defendant shall be required to contribute to the costs of services for such treatment based on the ability to pay or availability of third party payment. Defendant is assessed \$1,400.00. The fine is waived because of inability to pay.; Count(s) 1, 2, 3, 4-14, 120 months on each of counts 1-14, to run concurrently with each other. The court makes a Judicial Recommendation that the defendant participate in the 500 Hour Comprehensive Drug Treatment Program. Defendant is remanded to United States Marshal. 6 years supervised release on each of counts 1-14, to run concurrently with each other. Defendant shall not possess a firearm; defendant shall cooperate in collection of DNA; The defendant is to participate in a program for substance abuse as directed by the United States Probation Office, which program may include testing, not to exceed 104 drug tests per year, to determine whether the defendant has reverted to the use of alcohol or drugs. The defendant shall be required to contribute to the costs of services for such treatment based on the ability to pay or availability of third party payment; The defendant is to participate in a mental health treatment program as directed by the United States Probation Office. The defendant shall be required to contribute to the costs of services for such treatment based on the ability to pay or availability of third party payment. Defendant is assessed \$1,400.00. The fine is waived because of inability to pay. (Lyness, Paul) Additional attachment(s) added on 11/22/2006 (Lyness, Paul). (Entered: 11/22/2006)
12/15/2006	83	NOTICE OF APPEAL by USA as to Thomas Scola NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at <a href="http://www.ca1.uscourts.gov/clerk/transcript.htm">http://www.ca1.uscourts.gov/clerk/transcript.htm</a> MUST be completed and submitted to the Court of Appeals. (Tobin, David) (Entered: 12/15/2006)